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E.O. 12958: DECL: 12/05/2017
TAGS: [PREL](#) [PHUM](#) [UNSC](#) [BM](#)
SUBJECT: NEXT STEPS ON BURMA: P3 PAPER

Classified By: IO A/S Kristen Silverberg,
Reasons, 1.4 (d) and (d)

1.(C) SUMMARY AND ACTION REQUEST: The draft P3 proposal outlining benchmarks for improvement of the situation in Burma, and possible actions if there is no improvement, is at para 3 below with USG-suggested edits. Another paper is at para 4 below describing options in the event that these benchmarks are not met. USUN is instructed to provide the edited versions of the two papers to the British and French missions and to request P3 discussions of them, including whether to provide the benchmarks paper in para 3 to Special Advisor Gambari as a way forward. USUN is instructed to provide the two papers to the British and F of the USG's position that if no progress is made by the regime in meeting the three benchmarks cited by January 4, the UNSC should consider further action. The Department believes that increasing assistance to Burma and facilitating its integration into the world economy are appropriate only in response to significant progress in implementing a transition to a civilian, democratic government.

12. (U) FOLLOW-UP - Please send results of discussions by front-channel cable, slugged for IO/UNP - Paul Wickberg and EAP/MLS - Aaron Cope.

13. (U) Begin text:

P-3 DISCUSSION PAPER ON BURMA AND NEXT STEPS

This non-paper, which updates a P-3 paper from early November, outlines steps the SPDC leadership needs to take by early 2008 to be responsive to the November 2007 UNSC statement and to UN Burma Advisor Gambari's efforts to facilitate a genuine dialogue on a transition to a civilian, democratic government. As before, we should communicate these benchmarks first to the UN (Gambari) and then possibly to others with influence on Burma, e.g., China and ASEAN states. A separate paper describes options in the event that these benchmarks are not met.

What Burmese authorities need to do

--Consistent with Aung San Suu Kyi's public statement calling for a "meaningful and time-bound" dialogue with the SPDC leadership, there must be a dialogue between the regime and democratic representatives, to include the ethnic minorities, that results in an orderly transition to an inclusive, democratic, civilian-led government, without threatening either the territorial integrity of the state or the stability of the region.

-- As an integral and immediate part of this transition, there must be a demonstrable improvement in the human rights situation. This includess the unconditional release of all political prisoners, including Aung San Suu Kyi, as a necessary precondition for the transition process. This does not mean external toppling of the regime or dismantling of the army. As Aung San Suu Kyi has acknowledged, the army is part of the fabric of the nation. She and the opposition have made clear their willingness to work with the SPDC to achieve positive, stable and orderly change. The military will need to be part of this process, but eventually will need to leave the political stage, submit to civilian authority, and see its role in the economy greatly reduced.

The Process

Special Advisor Gambari made some progress during his two visits following the crackdown in September, but serious challenges to launching a genuine dialogue on a "time-bound" basis remain. It will be critical for Gambari and his good offices mission to actively press the SPDC leadership to commit to such a dialogue within the December-January timeframe using the following benchmarks as measures of progress and commitment towards such a dialogue. While many other benchmarks exist in the long-term, the three benchmarks below are vital to advancing the dialogue and demonstrating Burmese commitment to its international obligations. The P-3 will assess progress on these benchmarks prior to January 4 to determine whether follow-up UNSC action is needed thereafter.

-- a) The regime publicly agrees to a formal dialogue, facilitated by the UN, to begin January 4 between the Burmese opposition and the regime;

-- b) Conditions of ASSK,s house arrest are eased, and ASSK is granted immediate access to foreign diplomats, NLD members, and other opposition and ethnic leaders of her choosing to prepare for talks;

-- c) Arrests of democracy and ethnic minority activists engaged in peaceful activity cease immediately.

Dialogue Precepts

o To be meaningful, a dialogue must have the support of the democratic and ethnic minority groups.

o Participants in the dialogue should be able to address issues including but not limited to the following:

- Preserving the unity and territorial integrity of Burma;
- Establishing a process for a transition to a civilian, democratic government;
- Improving respect for human rights;
- Meeting the economic and social needs of the Burmese people; and
- Reorganizing and reforming the Burmese military.

End text of P3 benchmarks paper.

P-3 DISCUSSION PAPER ON POSSIBLE MEASURES IN
RESPONSE TO LACK OF PROGRESS IN BURMA

If the Burmese regime continues to resist taking concrete steps to begin a dialogue toward a transition to democracy in Burma, the Security Council will have to consider additional measures to review Burma's commitment to its UNSC obligations and bolster the UN good offices mandate.

Any proposals for action in the Council will need to be judged against our assessment of the regime's cooperation with Gambari, or lack thereof, between now and early January, including crucially whether it initiates a dialogue and allows Aung San Suu Kyi to consult freely with her colleagues, and whether key parties in the dialogue, including Aung San Suu Kyi, express satisfaction with the process.

If the regime makes significant progress, we could envisage a UNSC reaction welcoming that progress and looking forward to further steps, e.g., a first session of the dialogue. However, the UNSC reaction should also call for the release of all political prisoners, including Aung San Suu Kyi, and for direct dialogue to continue, including agreement on timelines for transition to an interim central government of national unity.

It is premature to consider relaxation of pressure or to engage in any substantive discussion about possible assistance packages until the regime has clearly demonstrated a serious intention to engage in an inclusive dialogue and that process is well underway.

If the regime does not make significant progress, P-3 members should urge Special Advisor Gambari and/or Secretary General Ban to acknowledge publicly that the regime has failed to fulfill its obligations to the Security Council and to launch a dialogue in a reasonable timeframe. P-3 members might also discuss circulating a draft PRST or UN Security Council resolution on Burma.

DRAFT UNSCR OR PRST ELEMENTS

-- To express discontent with the failure to make concessions/cooperate with the UN Secretary General's good offices mission,

-- To spell out the benchmarks of forward momentum that the UNSC expects,

-- To give a time-frame by which we would expect specific benchmarks to be achieved,

-- To make clear that in the event that tangible progress is not forthcoming within this time-frame, the UNSC will be obliged to introduce measures.

Options for Measures in a UNSC Resolution:

(Note: Measures should be proportionate and commensurate with the pressure required to persuade Burma to take the concrete actions we seek. These measures should be capable of being suspended once the regime starts to make real progress on a national reconciliation process and reversible in the event that the process reaches a positive conclusion.)

Chapter VII measures:

- Embargo on arms and related material
- Prohibition on technical training or assistance related to the supply of arms and related material
- Assets freeze on named members of the Burmese regime and/or their family members
- Travel ban on named members of the Burmese regime
- A Sanctions Committee established to investigate and report to the UNSC any violations of the above
- A Group of Experts established to support the Committee in monitoring implementation of the measures.

Other measures:

- Encouraging/mandating UN Special Advisers and Special Rapporteur to visit/report;
- Establishing a Commission of Inquiry into human rights abuses and serious crimes;
- Calling upon all states and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Burmese regime except for humanitarian purposes;
- Calling upon all States to cease all forms of government support for trade and investment with and to Burma.

STRATEGY WITH UN PARTNERS:

The P3 should discuss possible measures and agree among themselves on priorities and the most effective responses to the progress or the lack thereof toward a transition in Burma. We should discuss with Gambari and other UNSC members the need for progress by early January, making it clear that should there be no progress, the next step is to seek further Council action.

End of text.
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